

Appeal Nos. 2023-1218 and 2023-1274

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

SUNOCO PARTNERS MARKETING & TERMINALS L.P.,

Plaintiff-Appellant,

v.

POWDER SPRINGS LOGISTICS, LLC,
MAGELLAN MIDSTREAM PARTNERS L.P.,

Defendants-Cross-Appellants.

Appeal from the United States District Court for the District of Delaware,
in No. 1:17-cv-1390-RGA, Honorable Richard G. Andrews

**DEFENDANTS-CROSS-APPELLANTS UNOPPOSED MOTION FOR A
60-DAY EXTENSION OF TIME TO FILE THEIR OPENING AND
RESPONSE BRIEF**

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April 25, 2023

CERTIFICATE OF INTEREST

Counsel for Defendants-Cross-Appellants Magellan Midstream Partners L.P., Nitika Gupta Fiorella, certifies that the following information is accurate and complete to the best of his/her knowledge:

1. Represented Entities. Prove the full names of all entities represented by undersigned counsel in this case. Fed. Cir. R. 47.4(a)(1)

Magellan Midstream Partners L.P.

2. Real Party In Interest. Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. Fed. Cir. R. 47.4 (a)(2).

Magellan GP, LLC

Magellan OLP, L.P.

Magellan Logistics & Services L.P.

Magellan NGL, LLC

3. Parent Corporations and Stockholders. Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. Fed. Cir. R. 47.4 (a)(3).

N/A

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

Fish & Richardson P.C.: Grayson Sundermeir, Casey Kraning, Rae Crisler, Karrie Wheatley

5. Related Cases. Other than originating case(s) for this case(s), are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

Sunoco Partners Marketing & Terminals L.P. v. U.S. Venture, et. al., No. 1:15-cv-08178 (N.D. Ill 2015)

Sunoco Partners Marketing & Terminals L.P. v. U.S. Venture, Inc., No. 22-1899 (Fed. Cir. 2022)

6. **Organizational Victims and Bankruptcy Cases.** Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6)

N/A

April 25, 2023

/s/ Nitika Gupta Fiorella
Nitika Gupta Fiorella

*Counsel for Magellan Midstream
Partners L.P.*

CERTIFICATE OF INTEREST

Counsel for Defendants-Cross-Appellants Powder Springs Logistics, LLC, David S. Moreland, certifies that the following information is accurate and complete to the best of his/her knowledge:

1. **Represented Entities.** Prove the full names of all entities represented by undersigned counsel in this case. Fed. Cir. R. 47.4(a)(1)

Powder Springs Logistics, LLC

2. **Real Party In Interest.** Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. Fed. Cir. R. 47.4 (a)(2).

N/A

3. **Parent Corporations and Stockholders.** Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. Fed. Cir. R. 47.4 (a)(3).

Magellan Midstream Partners, L.P.

Magellan OLP, L.P.

Colonial Pipeline Company

Trinidad Products, Inc.

4. **Legal Representatives.** List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

Fish & Richardson P.C.: Grayson Sundermeir, Casey Kraning, Rae Crisler, Karrie Wheatley

Morris, Nichols, Arsht & Tunnell LLP

5. **Related Cases.** Other than originating case(s) for this case(s), are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

N/A

6. **Organizational Victims and Bankruptcy Cases.** Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6)

N/A

April 25, 2023

/s/ David S. Moreland
David S. Moreland

*Counsel for Powder Springs
Logistics, LLC.*

Pursuant to Federal Circuit Rules 26(b) and 27 and the Federal Rule of Appellate Procedure 27, Defendants-Cross-Appellants Powder Springs Logistics LLC (“PSL”) and Magellan Midstream Partners L.P. (“Magellan”) (collectively, “Cross-Appellants”) respectfully request a 60-day extension of time in which to file their Opening and Response Brief, from May 8, 2023 to July 7, 2023. This is the first extension Cross-Appellants have sought in this matter for their Opening and Response Brief.

Cross-Appellants’ counsel has notified counsel for Plaintiff-Appellant of its intent to seek an extension and Plaintiff-Appellant had no objection to the requested extension and will not file a response.

As set forth in the attached declaration, Cross-Appellants have good cause to request this extension. Counsel for Cross-Appellants have professional commitments that unavoidably restrict their ability to fully address all necessary issues in these appeals on the current deadline.

Cross-Appellants therefore respectfully request that the deadline for their Opening and Response brief be extended to and including July 7, 2023.

FISH & RICHARDSON P.C.

/s/ Nitika Gupta Fiorella

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*Counsel for Defendants-Cross-
Appellants Powder Springs Logistics,
LLC*

DECLARATION OF NITIKA GUPTA FIORELLA

1. I, Nitika Gupta Fiorella, am a member of the bar of this Court and a partner in the Wilmington, Delaware office of the law firm of Fish & Richardson P.C. I am submitting this declaration in support of Cross-Appellants' request for a 60-day extension of time to file its Opening and Response brief in this matter.

2. Cross-Appellants' Opening and Response brief is currently due May 8, 2023. Cross-Appellants respectfully request that the schedule be revised such that the deadline is extended by 60 days. If Cross-Appellants' request is granted, its Opening and Response brief would be due July 7, 2023. This is Cross-Appellants' first request for an extension of time.

3. The additional time is requested to accommodate the professional obligations of Cross-Appellants' counsel, and to allow Cross-Appellants and their counsel adequate time to prepare an Opening and Response brief in light of those obligations.

4. These professional commitments include expert discovery in *Newron Pharmaceuticals S.p.A et al v. Aurobindo Pharma Limited et al*, C.A. No. 1:21-cv-00843 (D. Del.) and briefing deadlines in several matters before this Court, including *LKQ Corporation v. GM Global Technology Operations LLC*, Appeal No. 21-2348; *LKQ Corporation v. GM Global Technology Operations LLC*, Appeal No. 22-1253; *Neonode Smartphone LLC v. Samsung Electronics Co., Ltd.*,

Appeal No. 22-2134; *Samsung Electronics Co., Ltd. v. Neonode Smartphone LLC*,
Appeal No. 23-1464; and *In re: Sumitomo Pharma Co., Ltd.*, Appeal No. 22-2276.

5. The unopposed requested 60-day extension will not prejudice either party.

I declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on April 25, 2023.

/s/ Nitika Gupta Fiorella
Nitika Gupta Fiorella

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A). The motion contains 429 words, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 27(d)(2) and 32(f).

This motion also complies with the typeface and type style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E), incorporating Rules 32(a)(5) and 32(a)(6). The motion has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

April 25, 2023

/s/ *Nitika Gupta Fiorella*
Nitika Gupta Fiorella